THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 29th day of January,2007

W.P.Nos.21746, 22456, 22457 and 22386 of 1995

W.P.No.21746 of 2006

Between:-

The Executive Engineer,
Panchayat Raj Department,
Narsapur & another … Petitioners

and

Javvadi Suresh Kumar,
Kapulipeta, Undi-534 199,
West Godavari District
and another … Respondents

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COMMON ORDER:

These Writ Petition are filed being aggrieved by the common Award dated 7-12-1994 made in I.D.Nos.457, 459, 460 and 461 of 1991 on the file of Labour Court, Guntur.

Respondent No.1 herein have raised disputes in the respective I.Ds under Section 2-A(2) of the Industrial Disputes Act,1947 (for short 'the Act') being aggrieved by the termination of their services with effect from 12-2-1991. Before the Labour Court, their case was that they had worked for more than 240 days preceding the date of termination i.e. 12-2-1991 and apart from that, they are entitled for regularization of their services in terms of G.O.Ms.No.212, Finance and Planning Department, dated 22-4-1994. The Management filed a counter before the Labour Court denying the allegations made by the workmen and stating that the claimants worked as casual labour depending upon the availability of work and they are not entitled for the wages prescribed under SSR. The Labour Court after considering the evidence adduced by both sides categorically found that the documents filed on behalf of the workmen clearly establish that they had worked for more than 240 days in a calendar year preceding 12-2-1991, the date on which they were disengaged. Apart from this, it was also found that they are also entitled for consideration for regularization of their services as per the said G.O. and in the result, directed the Management to consider the case of the claimants-workmen, apart from holding that the workmen are entitled for

reinstatement into service, but without any back wages.

I am of the opinion that the Labour Court has considered each and every aspect of evidence placed before it and furnished cogent reasons to come to the conclusion that the workmen worked for more than 240 days preceding the date of their disengagement. Of course, it was observed that the case of the respondent-claimants may be considered for regularization of their service in terms of G.O.Ms.No.212, dated 22-4-1994. I am of the view that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India.

It is brought to the notice of this Court that the respondent-claimants also filed an Original Application in O.A.No.1919 of 1995 before the A.P. Administrative Tribunal seeking regularization of their services as per G.O.Ms.No.212, dated 22-4-1994 and the same was allowed in favour of claimants and the petitioners herein also filed a review petition and the same was dismissed and thus the Orders passed in the said O.A. on 27-4-1995 attained finality.

In view of the above, the Writ Petitions are devoid of any merit and are liable to be dismissed. Accordingly, the Writ Petitions are dismissed. No order as to costs.

29-1-2007

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